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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,957	02/05/2002	Gordon T. Graves	005800.00005	7922
28827	7590	04/19/2004	EXAMINER	
GABLE & GOTWALS 100 WEST FIFTH STREET, 10TH FLOOR TULSA, OK 74103			MARKS, CHRISTINA M	
			ART UNIT	PAPER NUMBER
			3713	5
DATE MAILED: 04/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,952

Applicant(s)

BAKER ET AL.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (1) the method depicted in claim 1 including all of the detailed steps (2) individual identification code (3) library of pre recorded clips (4) algorithms for providing the images and (5) host computer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Publication 2003/0109306) in view of Hooks et al. (US Patent No. 6,294,982).

Karmarkar discloses a method of providing a realistic audiovisual representation at a remote location of a game occurring at a base location (Abstract). Karmarkar discloses a library of pre-recorded video clips depicting events typically encountered in gaming (Abstract). This library is stored on a disk (FIG _2). Though Karmarkar does not explicitly disclose this library is stored on a computer, one of ordinary skill in the art understands that doing so would be obvious to the system of Karmarkar as it would allow all the footage to be stored in a central location instead of a number of disks. A skilled artisan would be motivated to do this in order to simplify the system as well as centralizing it. Further, the information is transmitted from the base location to a remote location over a communication channel (Abstract). The information is then used in replicating the game. Though Karmarkar discloses sending the library clip over the connection instead of replicating it locally, one of ordinary skill in the art would find it obvious to store the clips in the remote machine for replication based on sent information. The remote terminals are specialized terminals and one of ordinary skill in the art would be motivated to further specialize them in this manner in order to limit the amount of transmission required, thus reducing the bandwidth usage and increasing speed. This would serve to reduce the cost of the network required as well as detract from user dissatisfaction as the user would not get frustrated

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at the potential slow speed caused by bogging down the network from the substantial transmissions require. The information regarding the game is then presented to the user for a realistic audiovisual presentation (Abstract).

As disclosed above, it would be obvious to a skilled artisan to not transmit the lengthy video files over the network. A skilled artisan would be highly motivated to do so in order to decrease bandwidth use and traffic. Karmarkar discloses loading the library files into a communication distribution hub, thus enabling the files to be loaded onto any computer as desired would be enabled by the description of Karmarkar. A skilled artisan would understand how to accomplish this and would be motivated to do so for reasons disclosed above. Further, the remote computer is in charge of randomly choosing the outcome (paragraph 9). Thus, a skilled artisan would understand that in the setup motivated above, the computer must communicate this information to the remote devices. As randomization would be chosen by a certain identification factor, as is known in the art, it would be obvious to a skilled artisan to simply transmit the ID factor as a means to identify the chosen clip. This would further the goal of reducing the bandwidth transmittal as a skilled artisan knows an ID number is an integer with a much smaller size than an entire file would be. Thus, by setting up the remote computers to hold the files associated with the games, they would be able to quickly load the selected file by this ID only.

Hooks et al. support the above assertion by stating that in visual messaging devices for use in a high speed network, it is advantageous to receive data from the network and then locally arrange the message for use (Abstract). Hooks et al. further states that in a large number of applications, such as entertainment, it is very desirable to display messages substantially in real time (column 1, lines 19-23). Currently, doing so requires a relatively high data rate and large bandwidth (Column 21, lines 21-24). Hooks et al. disclose that reducing the

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message at the server and then sending it does not work as desired as it takes away from the real time transmission (Column 1, lines 25-30). However, communicating data from the network and arranging it locally reduces bandwidth transmission without losing real time effects. Thus, it would have been further obvious to a skilled artisan to alter the Karmarkar system as disclosed above not only to reduce bandwidth but to still keep the real time effect as supported by Hooks et al. Skilled artisans would be motivated by the fact that sending only ID data and arranging messages locally, an ideal marriage of speed and real-time is maintained.

Regarding claim 3, Karmarkar discloses a number of remote locations that can be linked to the base location.

Regarding claim 4, in applying Hooks et al. to Karmarkar a skilled artisan understands that an algorithm would be required to construct the data into the proper visual format. Hooks et al. discloses local arrangement and thus a skilled artisan understands that to arrange, an algorithm is axiomatically required in order to construct the proper presentation.

Regarding claim 5, Karmarkar discloses a monitor and a speaker for the replication of the data sent (paragraph 42).

Regarding claim 6, the audiovisual presentation can be that of a recorded game that has already been played (Abstract).

Regarding claim 7, Karmarkar discloses the games to be games of chance (Abstract).

Regarding claim 8, games of chance are known to provide a finite number and employ a finite number of game objects.

Regarding claim 9, the remote location is a personal computer and has the functions of such (paragraph 42).

Regarding claim 10, there are a plurality of remote computers that are axiomatically in a plurality of locations.

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Regarding claim 11, Karmarkar discloses in the system that the host computer accomplished the functions listed in steps (c) through (d) as the host selects the videos from the library.

Regarding claim 12, the game is interactive as the player can provide the host with information and enables the player to black bets and otherwise provide inputs (paragraph 13).

Regarding claim 13, the host can conduct multiple independent games simultaneously (paragraph 8).

Regarding claim 14, in applying the teachings of Hooks et al. a skilled artisan would understand that the progress of the game must be input in order to be transmitted to the player in the manner as disclosed above.

Regarding claim 15, in applying Hooks et al. to Karmarkar a skilled artisan understands that an algorithm would be required to construct the data into the proper visual format. Hooks et al. discloses local arrangement and thus a skilled artisan understands that to arrange, an algorithm is axiomatically required in order to construct the proper presentation.

Regarding claim 16, Karmarkar discloses a monitor and a speaker for the replication of the data sent (paragraph 42).

Regarding claim 17, the audiovisual presentation can be that of a recorded game that has already been played (Abstract).

Regarding claim 18, Karmarkar discloses the games to be games of chance (Abstract).

Regarding claim 19, games of chance are known to provide a finite number and employ a finite number of game objects.

Regarding claim 20, the remote location is a personal computer and has the functions of such (paragraph 42).

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Regarding claim 21, the game is interactive as the player can provide the host with information and enables the player to black bets and otherwise provide inputs (paragraph 13).

Regarding claim 22, the host can conduct multiple independent games simultaneously (paragraphs 8 and 9).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Publication 2003/0083118: Electronically distributing a game among many different user computers.

US Patent No. 6,047,127, US Patent No. 5,851,149: Gaming systems that store a plurality of game files and distribute the files to a remote device as required.

US Patent No. 4,652,998: Video system with remote game terminals wherein there is distribution of the game among the terminals.

US Publication 2003/0078103: Plurality of gaming modules loaded into Ram to be executed to play a game. This allows a game of chance to be generated while decoupled from software used to present the game.

US Publication 2003/0104856: Game arrangements are reduced to an integer to be transmitted over a network to convert the number into a game arrangement.

US Publication 2002/0151363: Gaming system that represents a game of chance being played at a live location and transmitted to remote location.


US Patent No. 5,762,552: Gaming device that allows a game to be played in real time from a remote location.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cmm
April 7, 2004



**MICHAEL O'NEILL
PRIMARY EXAMINER**